

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

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JAMES T. MCKENNA )  
Plaintiff )  
V. ) Civil Action  
HARD BOTTOM FISHERIES, INC. )  
Defendant ) No.  
)

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**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

**GENERAL FACTUAL ALLEGATIONS**

1. The Plaintiff, James McKenna, is a resident of Narragansett, Rhode Island.
2. The Defendant, Hard Bottom Fisheries, Inc. is a foreign corporation duly organized and existing under the laws of the State of Rhode Island.
3. On or about September 19, 2021, the Defendant, Hard Bottom Fisheries, Inc. was doing business within the Commonwealth of Massachusetts.
4. On or about September 19, 2021, the Plaintiff, James McKenna, was employed by the Defendant, T & R Fishing Inc.
5. On or about September 19, 2021, the Plaintiff, James McKenna, was employed by the Defendant, Hard Bottom Fisheries, Inc. as a seaman and a member of the crew of the F/V SHELBY ANN.
6. On or about September 19, 2021, the Defendant, Hard Bottom Fisheries, Inc. owned the F/V SHELBY ANN.

7. The Defendant, Hard Bottom Fisheries, Inc. chartered the F/V SHELBY ANN from some other person or entity such that on or about September 19, 2021, the Defendant, Hard Bottom Fisheries, Inc. was the owner pro hac vice of the F/V SHELBY ANN.

8. On or about September 19, 2021, the Defendant, Hard Bottom Fisheries, Inc. operated the F/V SHELBY ANN.

9. On or about September 19, 2021, the Defendant, Hard Bottom Fisheries, Inc. or the Defendant's agents, servants and/or employees, controlled the F/V SHELBY ANN.

10. On or about September 19, 2021, the F/V SHELBY ANN was in navigable waters.

11. On or about September 19, 2021, while in the in the performance of his duties in the service of the F/V SHELBY ANN, the Plaintiff, James McKenna, sustained personal injuries.

12. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, James McKenna, was exercising due care.

#### **JURISDICTION**

13. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 et. seq. (formerly §688 et. seq.).

14. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and alternatively 28 U.S.C. § 1333.

**COUNT I**

**JAMES MCKENNA V. HARD BOTTOM FISHERIES, INC.**  
**(JONES ACT NEGLIGENCE)**

15. The Plaintiff, James McKenna, reiterates the allegations set forth in paragraphs 1 through 14 above.

16. The personal injuries sustained by the Plaintiff, James McKenna, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

17. As a result of said injuries, the Plaintiff, James McKenna, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

18. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, James McKenna, demands judgment against the Defendant, Hard Bottom Fisheries, Inc. in an amount to be determined by a jury together with interest and costs.

**COUNT II**

**JAMES MCKENNA V. HARD BOTTOM FISHERIES, INC.**  
**(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

19. The Plaintiff, James McKenna, reiterates the allegations set forth in paragraphs 1 through 14 above.

20. The personal injuries sustained by the Plaintiff, James McKenna, were due to no fault of his, but were caused by the unseaworthiness of the F/V SHELBY ANN.

21. As a result of said injuries, the Plaintiff, James McKenna, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

22. This cause of action is brought under the General Maritime Law for unseaworthiness and is for the same cause of action as Count II.

WHEREFORE, the Plaintiff, James McKenna, demands judgment against the Defendant, Hard Bottom Fisheries, Inc. in an amount to be determined by a jury together with interest and costs.

**COUNT III**

**JAMES MCKENNA V. HARD BOTTOM FISHERIES, INC.**  
**(GENERAL MARITIME LAW - MAINTENANCE and CURE)**

23. The Plaintiff, James McKenna, reiterates all of the allegations set forth in Paragraphs 1 through 14 above.

24. As a result of the personal injuries described in paragraph 11 above, the Plaintiff, James McKenna, has incurred and will continue to incur expenses for his maintenance and cure. WHEREFORE, the Plaintiff, James McKenna, demands judgment against the Defendant, Hard Bottom Fisheries, Inc. in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES**

**RAISED IN COUNTS I, II & III**

Respectfully submitted for  
the Plaintiff, JAMES MCKENNA,  
by his attorneys,

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